



Foreign National Initiative
The 982 Form and the Badging Process
7/22/03 12-2 PM in P-Div. Auditorium

1. Announcements (Camilla S. Lopez, OMBUDS)

- Videotape of this meeting can be checked out from the Ombuds Office
- There have been 160 e-mails from 25 people regarding feedback for Director Nanos
- Carla Kuiken has written a summary letter that has 6 points of concern (Heavy workload of the immigration office, Yearly renewal of badges and 982's, Unnecessary clearances and access limitations, Ad hoc measures directed entirely against foreigners, Unwritten rules and arbitrary decisions about foreign national access, Extra difficulty in hiring foreign nationals.)
- The foreign national community has nominated Carla Kuiken (T-10) for the Steering Committee for the Foreign National Initiative

- Future Brown Bags will be:
 - Aug. 14th, Immigration and Employment
 - Sep. 16th, The Clearance Process
 - Sep. 29th, The Director's Internal Communications Team(All sessions will be in P-Div. Auditorium from 12-2 PM)
- Please post the attached flyer.
- Information can be found at the ISEC website: <http://int.lanl.gov/security/isec/>

2. 982 Form & The Badging Process (Ken Schiffer, ISEC – Internal Security)

- Noticed 2 things about comments
 1. Misperceptions
 2. Sense of unfair treatment
- There are parameters that foreign nationals have to live with due to past events, these cannot be changed
- When foreign nationals come to the Laboratory, the Lab has to weigh the talent and gain verses the “risk”, and they have to justify the risk
- 982 Form allows the Laboratory to justify bringing foreign nationals to the Lab, very important for justifying the risk and bringing people here
- Ken was asked by a congressman why we allow foreign nationals to work at the lab:
 1. We need the ideas and good science which the foreign nationals bring, and our colleges and universities are not graduating US citizens in the science and technical disciplines. About 60% of American college graduates are foreign nationals
 2. If we are to prevent another nuclear disaster such as Chernoble, we must bring foreign nationals to the Lab and work with them on modeling and nuclear safety.



3. Interaction with foreign nationals allows the US to understand how foreign nations are designing their nuclear programs.
 - ISEC is trying to protect it's foreign national population and allow them to come and remain here. ISEC fears another moratorium or a decision which would arbitrarily prohibit any foreign national at the Lab. Therefore, many of the procedures which are in place are done to justify and defend the decision to bring a foreign national to the lab.
 - The paperwork allows foreign nationals to come to the Lab, and serves as the justification if and when we are challenged on our decisions.

3. Questions

Q. *Why do we have to renew the 982 yearly?*

A. (Ken Schiffer and Lori Hutchins, both ISEC) After 9/11 we are required to do yearly checks as to where all foreign nationals are. It creates a paper trail to help justify ourselves if we are questioned later and to document any changes in an individual's research project, host, or immigration status. To date, our paperwork has enabled us to withstand all challenges to our decisions and has helped us gain the trust of DOE.

Q. *What is the role of hosts for TSM's, are they really necessary and what are they responsible for?*

A. (Ken Schiffer & Lori Hutchins) Yes, it is a DOE order. They are responsible for monitoring research.

Q. *Is that the reason we cannot host students?*

A. (Lori Hutchins) Non-sensitive foreign nationals can host non-sensitive students, but the Laboratory has decided to be conservative, therefore it is a LANL rule that foreign nationals cannot host students.

Q. *Why do we have to fill out the computer access form? Has a foreign national ever been denied computer use?*

A. (Ken Schiffer) The architecture of the computer system will not allow LANL to put foreign nationals in a special area of the network where there can be UCNI and/or sensitive material, therefore foreign nationals cannot be in the yellow area. They are developing a new computer system that they hope will be more accessible for foreign nationals. There is also DOE order 205.2 that says we must use the computer access form. Charlotte Lindsey from CIO (Chief Information Office) will talk to this at the next Brown Bag, August 14, 2003. DOE Order 205.2 requires that the Lab conduct a risk assessment of each network to which each foreign national is assigned. The only way we can comply with this is to use the 982CA form to document that risk assessment. Furthermore, different foreign nationals are granted different level of access on the yellow network, depending on the specific needs of the individual and his/her research.

Q. *What did you see as misconceptions in the e-mails on Intersci?*

A. (Ken Schiffer) Ex. I received an e-mail this morning that said that we have to have the buildings listed on the 982 form because of the Wen Ho Lee case. In fact, this is a



requirement of the DOE order and is part of our documentation of the risk assessment. There is also a misconception that to add a building, a new 982 must be submitted. That is not true. All one has to do is send an email informing the FV&A office. Another misconception is that foreign nationals are subjected to many more regulations and restrictions than uncleared US citizens.

Q. How much is the lab educating the lawmakers about us?

A. UC is taking the issue seriously, they have drafted a paper that they are sharing with politicians, but some politicians have their own agenda.

Q. Are we actually going to be able to change anything?

A. (Lori Hutchins) We are under DOE, Congress, and Senate regulations, it is very difficult to change these. Lori views it as her job to help the foreign nationals, and she is worried that if anyone messes anything up they will face another moratorium, which she does not want to see. (Victor Gavron, DIR) Pete Nanos has gone to bat for the foreign nationals and laboratory management wants foreign nationals here.

Q. Why don't the hosts share the badging and 982 procedures with the foreign nationals

A. (Lori Hutchins) They are given a lot of training, but often they are too busy to follow-through with their responsibilities.

Q. Can we get an automatic approval form for foreign nationals to renew the 982 form?

A. (Lori Hutchins) We are working on it, but we are hitting manpower problems. Check the date on your badge to know when you have to have the paperwork finished by.

Q. Can you send us 60-day notices to remind us that our badge and 982 form are about to expire?

A. (Lori Hutchins) Your host receives a 60-day notice, and the date is printed on your badge, so try to use that as a reminder.

Q. Having to renew our badges on the day that they expire is difficult, could we change it to allow us to renew them a couple of weeks earlier? If the forms are done wrong, we do not find out about it until that day.

A. (Lori Hutchins & Grace Archuleta) This is very difficult, we would have to change Badge Office systems, HR, EIS, etc. The badge system was not set up to do that. Badges can only be renewed the next business following the expiration date. We are considering the weekend dilemma and will try to resolve this, but the dates must coincide with several databases so a new badge prior to the renewal begin date is not negotiable.

Comment: It makes more sense to get our badges earlier because if there is a problem getting with the paperwork, we may not know until our badges have already expired. That means that we cannot return to work until it is all figured out, sometimes this takes weeks.



Q. Why does it take so long to get forms approved?

A. (Lori Hutchins) We are under requirements that are out of our control. Paperwork takes time and the DOE investigation takes a lot of time also. Lori is trying to have our background check and the states background check put together, but she is not getting cooperation on that.

Q. Why do foreign nationals get a new number every year?

A. (Lori Hutchins & Grace Archuleta, ISEC) It is a design problem with the badge system, because not all foreign nationals have social security numbers, so the system gives new ones every year. The system would have to be redesigned to fix this problem, it may happen one day.

Q. Is there a way to prevent delays for coming back into the country after visiting our countries?

A. (Grace Archuleta) No, it is more difficult because of September 11. And there is nothing that an employer can do to speed up the process.

Q. There was a document that was put out with a commitment to simplify & consolidate processes between laboratories, have you heard of it?

A. (Lori Hutchins) Yes, we sent information in for that but have not heard anything back.

Comment: The Group Office Administrators that handle the 982 form should be at a high level. There should actually be a specialist within every group because the forms go to different places, and sometimes need to be babysat. Also 982 form training should be mandatory for Group Office Administrators.

Comment: (Lori Hutchins) 982 training is available on the website <http://int.lanl.gov/security/isecl/>, Lori also gives briefings for anyone or any group that is interested, just call her.

The Ombuds Office will compile a list of things from this meeting that can be worked on and help move this forward (Bruce MacAllister, Ombuds).